

SENATE BILL 136

E2

71r0829
CF 71r0828

By: **Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)**

Introduced and read first time: January 24, 2007

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Violation of Condition of Probation or Suspension of**
3 **Sentence – Notice or Warrant**

4 FOR the purpose of repealing a requirement that the District Court issue a warrant or
5 give notice of a hearing on a violation of a condition of probation or suspension
6 of sentence during the period of probation; stating certain powers of a circuit
7 court to end probation at any time, to issue a warrant or notice concerning a
8 violation of a condition of probation or suspension of sentence, to remand or
9 release a probationer or defendant, and to revoke probation or suspension of
10 sentence and impose a certain sentence under certain circumstances; requiring
11 the State to proceed with reasonable promptness and diligence to prosecute a
12 violation of a condition of probation or suspension of sentence under certain
13 circumstances; requiring that a certain hearing date be timely; clarifying
14 language; making stylistic changes; and generally relating to a proceeding in
15 the District Court or circuit courts for a violation of a condition of probation or
16 suspension of sentence.

17 BY repealing and reenacting, with amendments,
18 Article – Criminal Procedure
19 Section 6–223
20 Annotated Code of Maryland
21 (2001 Volume and 2006 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Criminal Procedure**

2 6–223.

3 (a) [The] **A CIRCUIT COURT OR THE** District Court may end the period of
4 probation at any time.

5 (b) [During the period of probation, on written charges under oath or on] **IF**
6 **THE STATE PROCEEDS WITH REASONABLE PROMPTNESS AND DILIGENCE TO**
7 **PROSECUTE A** violation of a condition of probation[,] **OR SUSPENSION OF**
8 **SENTENCE, A CIRCUIT COURT OR** the District Court may issue a warrant or notice
9 requiring the probationer or defendant to be brought or appear before the judge
10 issuing the warrant or notice:

11 (1) to answer the charge of violation of [conditions] **THE CONDITION**
12 of probation or [of] suspension of sentence; and

13 (2) to be present for the setting of a **TIMELY** hearing date for that
14 charge.

15 (c) Pending the hearing or determination of the charge, **A CIRCUIT COURT**
16 **OR** the District Court may remand the probationer or defendant to a correctional
17 facility or release the probationer or defendant with or without bail.

18 (d) If, at the hearing, **A CIRCUIT COURT OR** the District Court finds that the
19 probationer or defendant has violated a condition of probation **OR SUSPENSION OF**
20 **SENTENCE**, the [District Court] **COURT** may:

21 (1) revoke the probation granted or the suspension of sentence; and

22 (2) impose any sentence that might have originally been imposed for
23 the crime of which the probationer or defendant was convicted or pleaded nolo
24 contendere.

25 **SECTION 2. AND BE IT FURTHER ENACTED**, That this Act shall take effect
26 October 1, 2007.